

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRENCE FIDDLER,

Defendant.

Case No.: 2:10-cr-00052-RLH-LRL

O R D E R

(Motion to Dismiss–18;
Motion to Dismiss–#31;
Report and Recommendation–#43)

Before this Court is the Report and Recommendation of the United States Magistrate Judge (#43), entered by the Honorable Lawrence R. Leavitt regarding Defendant Terrence Fiddler’s Motion to Dismiss Count One of the Indictment (#18, filed Aug. 20, 2010) and Fiddler’s Motion to Dismiss Counts Two and Four of the Superseding Indictment (#31, filed Nov. 18, 2010). An objection (#44) was filed to Magistrate Judge Leavitt’s Report and Recommendation in accordance with Local Rule LR IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. The Government’s Opposition to Objection (#45) was filed April 14, 2011, 2010, and Fiddler’s Reply (#47) was filed on April 25, 2011. This matter was referred to the undersigned for consideration.

1 The Court has conducted a *de novo* review of the record in this case in accordance
2 with 28 U.S.C. §636(b)(1)(B)–(C) and Local Rule IB 3-2 and determines that the Report and
3 Recommendation of Magistrate Judge Leavitt should be accepted and adopted.

4 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
5 Recommendation entered March 11, 2011 (#43) is ACCEPTED and ADOPTED, and Fiddler's
6 Motions to Dismiss (##18 and 31) are DENIED.

7 Dated: June 1, 2011.

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10 **ROGER L. HUNT**
11 United States District Judge